

Bruce A. Markell

Honorable Bruce A. Markell
United States Bankruptcy Judge



Entered on Docket
May 08, 2013

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

IN RE:

CARLETON G KINCAID JR

Debtor

Chapter 13
BKS-10-23176-BAM

**ORDER DENIAL OF CONFIRMATION AND
DISMISSING CASE**

Hearing Date: 05/02/2013
Hearing Time: 1:30 pm

The Trustee's Opposition to Confirmation of Plan Combined with Trustee's Recommendation of Dismissal filed in the above-captioned matter having on for hearing, the following parties have appeared: ☒ Trustee ☐ Debtor ☐ Attorney for Debtor ☐ Other, and said Motion having been considered by this Court, and good cause appearing therefore;

IT IS HEREBY ORDERED that confirmation of the Plan is denied and that the above-captioned proceedings under Chapter 13 be DISMISSED for the following reason(s):

- Plan is not viable due to: GMAC Mortgage [11 USC 1322]
- Delinquent Plan payments.
- The proposed Plan fails to provide for all the Debtor's disposable income [11 USC 1325(b)(1)(B)] based on Schedule I filed 2/3/13 and income listed on 2010 and 2011 tax returns. (i.e. luxury item, unreasonable expenses, etc.) and, as a result, the Debtor has failed to file a Plan in good faith [11 USC 1325(a)]
- The Debtor has failed to cooperate with the Trustee [11 USC 521(3)] as the following document(s) were not provided: ☐ tax returns ☐ pay stubs ☐ profit & loss statements ☒ other: 2012 tax return and turn over refund, if any; verification of expenses

DATED: 05/03/2013

Submitted by:

/s/ KATHLEEN A. LEAVITT

Kathleen A. Leavitt
Chapter 13 Trustee
(MJB)

LR 9021 certification language:

In accordance with LR 9021, counsel submitting this document certifies as follows ;

X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

None -no parties appeared

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